



**MOMENTUM**  
Business Solutions, Inc.

January 16, 2003

03 JAN 22 PM 1 43

**RECEIVED**TN REGULATORY AUTHORITY  
DOCKET ROOM

JAN 21 2003

TN REGULATORY AUTHORITY  
GENERAL COUNSEL'S OFFICE

Sara Kyle, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

VIA FACSIMILE: (615) 741-8953

Re: **PETITION FOR EMERGENCY RELIEF**

03-00038

Dear Ms. Kyle:

Momentum Business Solutions, Inc. ("Momentum") wanted to update you on the status of our situation with BellSouth referenced previously. This morning, when BellSouth terminated our LENS access, they demanded \$528,654.67 which they alleged was past due. They refused to accept our disputes despite their compliance with the Interconnection Agreement requirements. Thereafter, BellSouth indicated that the above number was wrong and that Momentum actually owed \$298,664.51 which had to be paid in full in order for our service to be restored.

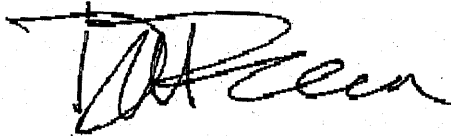
In response, Momentum filed the Petition for Emergency Relief. Thereafter, BellSouth disconnected Momentum's access to the EDI system and claimed that the actual number Momentum owed (because they refused to accept our disputes) was \$167,830.90. BellSouth disconnected our access without notice, and without justification. They simply refused to acknowledge our good faith disputes. This is particularly ironic in light of the fact that in the course of 6 hours, they claimed three entirely different amounts were owed.

Notwithstanding the anti-competitive nature of disconnecting a competitor, without notice, (when BellSouth themselves could not determine what amount they were claiming was owed,) Momentum has succumbed to BellSouth's duress and paid the amount which was not owed so that we may once again service our customers in Tennessee.

These tactics are particularly damaging to a small CLEC like us. Not only were we unable to service customers for an entire day, but we have employees working all day that are unproductive, we must exhaust internal resources trying to remedy the situation,

and employ external resources to facilitate a resolution. On top of that, they require us to pay them for erroneously billed, disputed amounts.

Sincerely,

A handwritten signature in black ink, appearing to read "D Benck". The signature is fluid and cursive, with a large initial "D" and a stylized "Benck".

David M. Benck  
Vice President, Legal and Regulatory

Cc: Eddie Roberson-Chief, Consumer Services Division  
Richard Collier, General Counsel  
Henry Walker

JAN-16-2003 03:34PM

FROM-MOMENTUM BUSINESS SOLUTIONS, INC.

205 978 4401

T-121 P.001/003 F-603

# MOMENTUM

Business Solutions Inc.

2090 Columbiana Road, Suite 3000  
Birmingham, AL 35216

Phone (main): (205)978-4400  
Fax: (205)978-4401

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TN REGULATORY AUTHORITY  
GENERAL COUNSEL'S OFFICE

## FACSIMILE TRANSMITTAL SHEET

To: RICHARD COLLIER From: DAVID BENCK  
Company: \_\_\_\_\_ Date: 1-16-03  
Fax number: 015-741-8953 Number of pages (including cover): 03  
Phone number: \_\_\_\_\_ RE: \_\_\_\_\_

☒ Urgent ☐ Confidential ☐ For review ☐ Please reply

Notes/Comments: Petition for Emergency Relief